IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 873 of 2005

Between:

Smt. Mamata Raj, W/o. M.Raju, Aged 23 years, Occ: Un employee, Caste: S.C., R/o. H.No.2-1-49/143, Shamshiguda, Kukatpally, R.R.District-72.

..... PETITIONER

AND

1. The Joint Collector, R.R.District, Lakdikapul, Hyderabad.
2. Special Grade Deputy Collector, Revenue Divisional Officer, Chevella, Rajendranagar Ring Road, R.R.District.
3. K.Lalitha Bai, W/o.Amrut, Occ: House wife, R/o.2-1-22/67, Sai Prashanthinagar, Shamsiguda, Kukatpally, R.R.District-500 072.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more particularly one in the nature of writ of mandamus calling for the records pertaining to the proceedings Lr.No.E/498/2004, Dated 17.01.05 issued by the respondent No.2 and quash the same and consequently to direct the respondent No.2 to appoint me as Fair Price Shop Dealer of Shamshiguda Village, Kukatpally, Balanagar Mandal, R.R.District.

Counsel for the Petitioner: MR.P.INDRA PRAKASH

Counsel for the Respondents 1 and 2: GP FOR CIVIL SUPPLIES

Counsel for Respondent 3: None appeared

The Court at the admission stage made the following :

ORDER:

The petitioner, the 3rd respondent and certain others responded to a notice issued by the 2nd respondent proposing to appoint a Dealer for the Fair Price Shop at Shamshiguda Village, Balanagar Mandal, Ranga Reddy District. Through memo, dated 17.01.2005, the 2nd respondent selected and appointed the 3rd respondent as Dealer.

The petitioner contends that the minimum qualification as per the notification is pass in S.S.C., whereas the 3rd respondent failed in S.S.C. Examination. He contends that the 3rd respondent is not qualified to be appointed as Dealer and submits that the order of appointment through memo, dated 17.01.2005 deserves to be set aside.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The question as to whether the 3rd respondent is qualified to be appointed as a Dealer can be decided only on verification of necessary records. An appeal is provided to the 1st respondent under Clause 20 of the Andhra Pradesh Public Distribution System Control Order, 2001, against the order passed by the appointing authority. The 1st respondent will be in a better position to appreciate and examine as to whether the 3rd respondent is qualified to be appointed as Dealer, duly verifying the records.

Hence, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal before the 1st respondent. Any steps that are taken in the meanwhile, shall be subject to the outcome of the orders that may be passed by the 1st respondent in the appeal preferred by the petitioner. There shall be no order as to costs.

28.01.2005

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1. The Joint Collector, R.R.District, Lakdikapul, Hyderabad.
2. Special Grade Deputy Collector, Revenue Divisional Officer, Chevella, Rajendranagar Ring Road, R.R.District.
3. K.Lalitha Bai, W/o.Amrut, Occ: House wife, R/o.2-1-22/67, Sai Prashanthinagar, Shamsiguda, Kukatpally, R.R.District-500 072.
4. 2CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad.

5. 2 CD copies.